

COMMISSION

FOR THE

PUBLICATION OF THE ANCIENT LAWS AND INSTITUTES OF IRELAND.

REPORT.

Presented to both Houses of Parliament by Command of His Majesty.



DUBLIN:
PRINTED FOR HIS MAJESTY'S STATIONERY OFFICE,
BY ALEXANDER THOM & CO. (LIMITED).

And to be purchased, either directly or through any Bookseller, from
E. PONSONBY, 116, Grafton-street, Dublin; or
ETRS and SPOFFSWOOD, East Harding-street, Fleet-street, E.C., and
32, Abingdon-street, Westminster, S.W.; or
OLIVER & BOYD, Edinburgh.

1902.

[Cd. 1172.] Price 1d.
44

REPORT

OF THE

COMMISSIONERS FOR THE PUBLICATION OF THE ANCIENT LAWS AND INSTITUTES OF IRELAND.

TO HIS EXCELLENCY GEORGE HENRY, EARL CADOGAN, K.G.,
LORD LIEUTENANT-GENERAL AND GENERAL GOVERNOR OF IRELAND.

MAY IT PLEASE YOUR EXCELLENCY:

June 18, 1902.

We have recently had the honour of presenting to you the fifth and sixth volumes of the Ancient Laws and Institutes of Ireland. They bring to a completion the work with the supervision of which we were charged. The manner in which this closing portion of the Laws has been edited is a matter on which Celtic scholars, after a sufficient study of it, will pronounce; we believe it will be found to be executed with great ability; and a mere inspection of the Glossary to the entire text of the first five volumes which Dr. Atkinson has constructed, will show the immense amount of patient and minute labour which has been expended upon it.

The present seems an appropriate occasion for briefly recapitulating the circumstances under which the great literary enterprise with which we have been officially connected, was undertaken, and the measures by which it has been gradually conducted to a successful issue.

In the year 1851, the Rev. Charles Graves, afterwards Bishop of Limerick, and the Rev. James Henthorne Todd, both Fellows of Trinity College, Dublin, submitted to the Government a statement in which they represented the desirability of having the Ancient Laws of Ireland, commonly called the Breton Laws, transcribed, translated, and published. They dwelt on the importance of the suggested work as likely to throw useful light not only on Celtic Philology, but on the ideas, customs, and social constitution of the Irish people in past times, and even on some of their subsisting characteristics. They urged that similar projects had been carried into effect in foreign countries, as in the publication, by the French Government, of the Frankish, Burgundian, and Visigothic Codes, and, by the Danish Government, of the Icelandic Laws; and they pointed to the English precedents furnished by the publication, at the national expense, of the Anglo-Saxon and Welsh Laws, all of which had proved valuable sources of information to modern historical writers.

It was foreseen at the time that the task would be a difficult and laborious one, requiring the continued exertions for many years of those engaged in it. But it was also felt that the time was a favourable one for entering on the undertaking, as there were available a certain number of competent workers, who had been trained under Dr. Petrie and Captain Larcom in Irish topographical and antiquarian research during the progress of the Ordnance Survey, and who were thoroughly acquainted with the vernacular and accustomed to the treatment of Irish texts. The Lords of the Treasury sanctioned the project, and Commissioners were appointed to superintend the work.

The first thing to be done was to copy the Brehon Law Manuscripts, which existed in the Libraries of Trinity College, Dublin, and of the Royal Irish Academy, as well as those preserved in the Bodleian Library and in the British Museum. This task was entrusted to the late Dr. O'Donovan and Professor O'Curry, who, it was universally believed, were the persons best qualified for the employment from their wide acquaintance with Irish literature, and their tried ability as Editors of Volumes issued by the Archaeological and Celtic Societies.

The Manuscripts were transcribed in anastatic ink, and thus a number of facsimiles procured, which not only served to facilitate the work of collation and indexing, but to provide copies for presentation to the principal Libraries at home and abroad.

The transcripts occupied seventeen volumes, and employed those engaged on them for several years. A preliminary translation of almost all the MS. tracts which the Commissioners selected for publication was made either by Dr. O'Donovan or by Professor O'Curry; but unhappily those scholars did not live to complete and revise their translations, which were, in fact, in a great degree, provisional only, imperfections and errors being unavoidable in a first attempt to accomplish what had been regarded by many previous experts as a hopeless task.

The first volume was brought out in 1865, under the Editorship of William Neison Hancock, LL.D., formerly Professor of Jurisprudence in Queen's College, Belfast, the Irish text being settled by Dr. O'Donovan. Only a few sheets, however, were read by the latter in second proof before his death. The whole was afterwards read, and compared with the revised transcript by the Rev. Thaddeus O'Mahony, Professor of Irish in the University of Dublin. It was intended to submit the proofs to Professor O'Curry also, but this was prevented by his sudden death in 1862.

The second volume was prepared by Dr. Hancock in conjunction with Professor O'Mahony, and was published in 1869. Dr. Hancock having become incapacitated by serious illness from taking part in the continuation of the work, the Commissioners appointed Alexander George Richey, LL.D., Deputy Professor of Feudal and English Law in the University of Dublin, to prepare, in conjunction with Professor O'Mahony, the third volume, which appeared in 1873. This completed the *Senchus Mor* and the *Book of Aicill*. Dr. Richey and Professor O'Mahony were directed to proceed with the fourth volume, consisting of a number of miscellaneous tracts; but Professor O'Mahony's failing health having compelled him to retire from the work, the revision of the Irish Text, which he had not been able to complete, was carried out by Mr. W. M. Hennessy, well known as a distinguished Irish scholar. Volume IV. was published in 1879.

After the lamented death of Dr. Richey, the Commissioners entrusted to Robert Atkinson, LL.D., Professor of Sanskrit and Comparative Grammar in the University of Dublin, the task of editing the remaining portion of the Laws, and constructing a Glossary to the entire text. The whole work, long delayed by the singular fatalities which accompanied its progress, as well as by its inherent difficulties, is now completed by the issue of Volumes V. and VI., so far as the MS. sources originally contemplated are concerned. But it is known that there are in other Libraries tracts bearing on the Brehon Laws, which have not been edited, or, indeed, properly examined. And it is, we think, worthy of the consideration of the Government whether a competent scholar ought not to be employed to visit the Continental Libraries, and furnish a Report as to any additional matter which may be extant in them. Whatever decision may be arrived at on this question, the volumes which have been laid before your Excellency place in the hands of Celtic philologists and philosophical jurists at home and abroad an important body of materials which must throw the most valuable light on the legal institutions and social system of Ancient Ireland.

We cannot but recall on this occasion, with special regret, the memory of the late Right Rev. Dr. Graves, who was one of those who originally suggested the publication of the Laws, and who, throughout its progress, took the deepest interest in it, acting all along as Secretary to the Commissioners. In recent years he repeatedly expressed the wish that he might be spared to witness the completion of the work. We deeply regret, as must all who knew Dr. Graves, that his hope was not fulfilled.

We subjoin a list of the original Commissioners, and those who have since been successively appointed to fill the vacancies caused by death.

ASHBOURNE, C.

A. M. PORTER, M.R.

† JOHN HEALY, D.D., Bishop of Clonfert.

JOHN K. INGRAM.

P. W. JOYCE.

EDMUND HOGAN.

Names of the first Brehon Law Commissioners:—

The Rt. Hon. F. BLACKBURN, Lord Chancellor of Ireland.

The Rt. Hon. WILLIAM, Earl of Rosse.

The Rt. Hon. EDWIS RICHARD WYNDHAM, Earl of Dunraven and Mount-Earl.

The Rt. Hon. THOMAS, Lord Monteagle of Brandon.

The Rt. Hon. JAMES, Lord Talbot de Malahide.

The Rt. Hon. DAVID RICHARD PICOT, Lord Chief Baron.

The Rt. Hon. JOSEPH NAPIER, Attorney-General for Ireland.

The Rev. THOMAS ROMNEY ROBINSON, D.D.

The Rev. JAMES HETHORPE TODD, D.D.

The Rev. CHARLES GRAVES, D.D.

GEORGE PETRIE, LL.D.

Major THOMAS ASKEW LARCOM.

Names of the Brehon Law Commissioners, as reconstituted in the year 1888:—

Rt. Hon. Sir EDWARD SULLIVAN, Lord Chancellor of Ireland.

The Rt. Rev. CHARLES GRAVES, Bishop of Limerick.

The Rt. Hon. A. M. PORTER, Master of the Rolls.

The Hon. Mr. Justice O'BRIEN.

SIR SAMUEL FERGUSON, Q.C., LL.D., Deputy Keeper of the Records.

Names of the Brehon Law Commissioners since appointed :—

The Rt. Hon. Lord ASHBURNE, Lord Chancellor of Ireland.

The Most Rev. J. HEALY, D.D., Bishop of Clonfert.

The Hon. Mr. Justice O'HAGAN.

JOHN KELLS INGRAM, LL.D., S.F.T.C.D.

P. W. JOYCE, LL.D.

Rev. E. HOGAN, D.D., F.R.U.I.